

REMARKS/ARGUMENTS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1, 2, 4-7, 9, 17, 19-21, 23-25, 27, 35, 37-39, 41, and 43-54 are presented for examination with Claims 2, 7, 9, 17, 19, 20, 25, 27, 35, 37, 38, and 48-51 being held to be withdrawn from consideration. Claims 3, 8, 10-16, 18, 22, 26, 28-34, 36, 40, and 42 were previously canceled without prejudice or disclaimer.

Claim 24 is amended to be consistent with the previous amendment made to Claims 1 and 6 without the introduction of any new matter. New Claims 52-54 are added that depend from each of independent Claims 1, 6, and 24 and that recite the space between the second insulating film and the connecting plate shown by FIG. 1, for example, relative to second insulating film 113 shown spaced from connecting plate 115. It is respectfully submitted that new Claims 52-54 read on the elected species and introduce no new matter. .

In the outstanding Office Action, Claims 1, 4-6, 21, 23, 24, 39, 41, and 43-47 were rejected under 35 U.S.C. § 103(a) as unpatentable over Nagata et al. (U.S. Patent No. 6,316,814, herein “Nagata”) in view of Applicants’ admitted art (AAA).

On October 18, 2006, Applicants’ representative met with Examiner Nadav to discuss the Applicants’ position that as the withdrawn Claims 2, 7, 9, 17, 19, 20, 25, 27, 35, 37, 38, and 48-51 now all depend from claims that read on the elected species¹ and that amendments were previously made to insure that all of these dependent claims also read on the elected species, these withdrawn claims should be rejoined. The Examiner indicated that the

¹ In this regard, Figures 1-8 are all descriptive of the elected first embodiment with Figure 8 described as showing “a plan view of the semiconductor device of this embodiment” (see page 13, lines 19-20). Further note, for example, the descriptions of FIGS. 1-7 appearing at page 7, line 29 to page 8 line 14 in which each of these Figures are noted as illustrative of the first embodiment with FIG. 1 being specifically noted as “a fragmentary sectional view taken along the lines A-A’ of a semiconductor device in FIG. 8 according to a first embodiment” (see page 7, lines 29-31).

allowance of independent Claims 1, 6, and 24 would result in rejoinder of these dependent withdrawn claims.

The discussion of October 18, 2006 also touched on the rejection of Claims 1, 4-6, 21, 23, 24, 39, 41 and 43-47 under 35 U.S.C. § 103(a) as unpatentable over Nagata in view of AAA.

In this regard, Applicants' representative pointed out that independent Claims 1 and 6 had been amended to require "a base region of a second conductivity type formed above the first semiconductor region." It was also pointed out that this recital had clear support as FIG. 1 of the application showed first semiconductor region 101 of first conductivity type (N) to be formed above the base region 102 of second conductivity type (P). It was further noted that the interpretation of the outstanding Action that was reading the P-type well 12 of Figures 1A and 1B of Nagata as the claimed "base region," while reading the claimed first semiconductor region of a first conductivity type on the N-type region 14 was no longer possible as the N-type region 14 was clearly formed in the P-well 12.

Thus, it was submitted that it would be unreasonable and incorrect to suggest that the claimed first semiconductor region of a first conductivity type could be said to correspond to this N-type region 14 while relying on P-well 12 to correspond to the claimed "base region of a second conductivity type" because P-well 12 was not taught or suggested to be "formed above the first semiconductor region (being read as N-type region 14 inside P-well 12)."

The Examiner acknowledged that it would not be reasonable to suggest that Nagata taught or suggested that P-well 12 was readable as the base region of second conductivity type of Claims 1 and 6 that had to be formed above the first semiconductor region of a first conductivity type of these claims, but further noted that this language did not appear in independent Claim 24. Accordingly, the present Supplemental Amendment now adds this

language to independent Claim 24 so that it also requires "a base region of the second conductivity type formed above the first semiconductor layer."

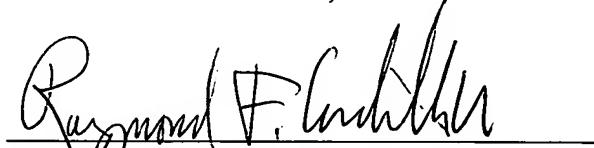
Accordingly, it is respectfully submitted that independent Claims 1, 6, and 24 all clearly patentably define over Nagata and the teachings and suggestions associated with of the above-noted Applicants' admitted art (AAA), for at least the above-noted reasons, and that these independent claims should now be indicated to be allowable.

Furthermore, as Claims 2, 7, 9, 17, 19, 20, 25, 27, 35, 37, 38 and 45-54 depend from independent Claims 1, 6, and 24, which are believed to be allowable as noted above, these dependent claims re also believed to be clearly allowable for at least these same above-noted reasons.

Consequently, in light of the above discussion and in view of the present Supplemental Amendment as well as in view of the remarks included with the Amendment filed October 11, 2006, the present application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870
Raymond F. Cardillo, Jr.
Attorney of Record

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)